

REMARKS/ARGUMENTS

In this Amendment, Applicant amends paragraphs [0044], [0045], [0047], [0048], and [0066] in order to improve clarity; and amends claims 1, 2, 4-11, and 13-20 in order to improve clarity. No new matter is introduced.

No amendments are made in response to the Examiner's rejection under 35 U.S.C. § 102(b).

Prior to entry of the Amendment, claims 1-22 were pending in the application. After entry of the Amendment, claims 1-22 remain pending in the application.

In the Office Action, the Examiner rejected claims 1, 3, 9, 10, 12, 21, and 22 under 35 U.S.C. § 102(b) as being anticipated by European Patent Application No. 1,221,793 A2 to Robinson ("Robinson").

The Examiner also allowed claims 17-20 and indicated that claims 2, 4-8, 11, and 13-16 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Applicant gratefully acknowledges the Examiner's statements that claims 17-20 are allowed and that claims 2, 4-8, 11, and 13-16 are allowable.

Applicant respectfully traverses the Examiner's rejection of claims 1, 3, 9, 10, 12, 21, and 22 under 35 U.S.C. § 102(b).

Rejection Under 35 U.S.C. § 102(b)—Independent Claim 1 and Dependent Claims

Applicant submits that the Examiner has failed to establish a proper prima facie case of anticipation for at least the following reasons.

In the Office Action, the Examiner alleges that comparison circuit 350 of Robinson is a "co-channel interference detection unit for generating a channel state selection control signal based on the calculated error signal and magnitude of the channel frequency response."

However, Robinson does not disclose that comparison circuit 350 generates a channel state selection control signal.

In Robinson, comparison circuit 350 compares “the output 346 of the direct-measurement control law circuit 280 and the output 348 of the indirect-measurement control law circuit 320 [and] selects the output 346, 348 which represents the worse or poorer channel state.” Robinson, [0088]. Thus, Robinson discloses that comparison circuit 350 takes in two signals and outputs the one representing the worse or poorer channel state, but it does not disclose that comparison circuit 350 generates a channel state selection control signal. As a result, the Examiner has failed to identify “a co-channel interference detection unit for generating a channel state selection control signal based on the calculated error signal and magnitude of the channel frequency response”, as recited in original claim 1, or “a co-channel interference detection unit adapted to generate a channel state selection control signal based on the calculated error signal and the magnitude of the channel frequency response”, as recited in amended claim 1.

In the Office Action, the Examiner also alleges that some unidentified element in FIG. 6 is a “a selection unit for selectively outputting one of the direct channel state information and indirect channel state information, based on a logic state of the channel state selection control signal”. Applicant submits that a proper prima facie case of anticipation requires that the Examiner identify such an element.

Additionally, as discussed above, Robinson does not disclose that comparison circuit 350 generates a channel state selection control signal. More generally, Robinson does not appear to disclose generation of a channel state selection control signal. As a result, the Examiner has failed to identify “a selection unit for selectively outputting one of the direct channel state information and indirect channel state information, based on a logic state of the channel state

selection control signal”, as also recited in original claim 1, or “a selection unit adapted to selectively output one of the direct channel state information and the indirect channel state information based on a logic state of the channel state selection control signal”, as also recited in amended claim 1.

For at least these reasons, Applicant submits that independent claim 1 is patentable under 35 U.S.C. § 102(b) over Robinson and the other art of record. Applicant further submits that dependent claims 2-9 are patentable under 35 U.S.C. § 102(b) over Robinson and the other art of record, at least for the same reason that claim 1 is patentable, from which claims 2-9 directly or indirectly depend.

Rejection Under 35 U.S.C. § 102(b)—Independent Claim 10 and Dependent Claims

Applicant submits that the Examiner has failed to establish a proper prima facie case of anticipation for at least the following reasons.

As discussed above, Robinson does not appear to disclose generation of a channel state selection control signal. As a result, the Examiner has failed to identify “generating a channel state selection control signal based on the calculated error signal and magnitude of the channel frequency response”, as recited in original claim 10, or “generating a channel state selection control signal based on the calculated error signal and the magnitude of the channel frequency response”, as recited in amended claim 10.

Similarly, the Examiner has failed to identify “selectively outputting one of the direct channel state information and indirect channel state information based on a logic state of the channel state selection control signal”, as also recited in original claim 10, or “selectively outputting one of the direct channel state information and the indirect channel state information

based on a logic state of the channel state selection control signal”, as also recited in amended claim 10.

For at least these reasons, Applicant submits that independent claim 10 is patentable under 35 U.S.C. § 102(b) over Robinson and the other art of record. Applicant further submits that dependent claims 11-16, 21, and 22 are patentable under 35 U.S.C. § 102(b) over Robinson and the other art of record, at least for the same reason that claim 10 is patentable, from which claims 11-16, 21, and 22 directly or indirectly depend.

Request for Reconsideration and Allowance

Accordingly, in view of the above amendments and remarks, reconsideration of the rejections and allowance of each of claims 1-22 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

If necessary, the Director of the U.S. Patent and Trademark Office is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; in particular, extension of time fees.

Respectfully submitted,

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